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12 *Netflix, Inc.*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA,**
15 **SAN FRANCISCO DIVISION**

16 LYNWOOD INVESTMENTS CY LIMITED,
17 Plaintiff,

18 v.

19 MAXIM KONOVALOV, IGOR SYSOEV,
ANDREY ALEXEEV, MAXIM DOUNIN, GLEB
SMIRNOFF, ANGUS ROBERTSON, NGINX,
20 INC. (BVI), NGINX SOFTWARE, INC., NGINX,
INC. (DE), BV NGINX, LLC, RUNA CAPITAL,
21 Inc., EVENTURE CAPITAL PARTNERS II, LLC
and F5 NETWORKS, INC.,

22 Defendants.

Case No. 3:20-cv-03778-MMC (KAW)

**ADMINISTRATIVE MOTION TO
SEAL NON-PARTY NETFLIX,
INC.'S OPPOSITION TO
PLAINTIFF'S MOTION TO
COMPEL AND THE
DECLARATION OF ED BUKOSKI
IN SUPPORT OF THE OPPOSITION**

1 In accordance with Civil Local Rules 7-11 and 79-5, non-party Netflix, Inc. (“Netflix”) 2 submits this Administrative Motion to Seal Non-Party Netflix, Inc.’s Opposition to Plaintiff’s 3 Motion to Compel and the Declaration of Ed Bukoski In Support of the Opposition. Attached to 4 this Motion to Seal is the declaration of Ed Bukoski in Support of Netflix’s Motion to Seal 5 (“Sealing Decl.”) along with unredacted versions of Netflix’s Opposition to Plaintiff’s Motion to 6 Compel (“Netflix’s Opposition”) and the declaration subject to this motion.

7 “Historically, courts have recognized a ‘general right to inspect and copy public records 8 and documents, including judicial records and documents.’” *Kamakana v. City & Cty. Of 9 Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 10 U.S. 589, 597 & n.7 (1978)). There is a “strong presumption in favor of access to court records.” 11 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *Foltz v. 12 State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). To overcome this 13 presumption, parties must meet the stringent “compelling reasons” standard. *Id.*

14 However, the Ninth Circuit carved out an exception “for sealed materials attached to a 15 discovery motion unrelated to the merits of a case.” *Id.* at 1097. “Under this exception, a party 16 need only satisfy the less exacting ‘good cause’ standard.” *Id.* Courts have routinely found that 17 motions to compel discovery, the underlying motion here, are subject to the “good cause” standard. 18 *See Bos. Ret. Sys. v. Uber Techs., Inc.*, 2024 WL 665647, at *8 (N.D. Cal. Feb. 16, 2024) (applying 19 “good cause standard to sealed discovery documents” related to underlying motion to compel); 20 *Lyft, Inc. v. AGIS Software Dev. LLC*, 2022 WL 1505879, at *1 (N.D. Cal. Apr. 7, 2022) (finding 21 “good cause” standard applies because Lyft’s sealing motions “relate to a motion to compel 22 discovery”). “Good cause” requires a “showing [of] specific prejudice or harm will result.” 23 *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002).

24 Here, such “good cause” exists to support Netflix’s motion to seal as significant “prejudice 25 or harm” will follow if the information sought to be sealed is publicly disclosed. Ed Bukoski is a 26 Senior Software Engineer at Netflix. Sealing Decl. ¶ 1. His declaration in support of Netflix’s 27 Opposition contains Netflix’s confidential business information including details of Netflix’s 28

1 source code storage, public disclosure of which would harm Netflix's security and commercial
2 interests. Sealing Decl. ¶ 3. These details are also summarized and described in Netflix's
3 Opposition to explain the burden Netflix faces from Plaintiff's discovery requests. Opposition at
4 8. More specifically, Mr. Bukoski's declaration and Netflix's Opposition describes Netflix's
5 proprietary technology regarding how it keeps, maintains, and extracts its historic code and
6 databases. Sealing Decl. ¶ 3. This information is not publicly available or publicly disclosed and
7 has been maintained by Netflix in a confidential manner. Sealing Decl. ¶ 4. Disclosure of such
8 information would provide third parties and competitors with information as to where and how
9 Netflix stores its historic source code and the method by which such data can be obtained. Sealing
10 Decl. ¶ 5. Competitors could exploit this information to gain a competitive advantage over Netflix.
11 *See id.* Courts have routinely sealed such confidential and proprietary information under the "good
12 cause" standard. *See Apple, Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1221 (Fed. Cir. 2013)
13 ("One factor that weighs in favor of sealing documents is when the release of the documents will
14 cause competitive harm to a business."); *Impossible Foods Inc. v. Impossible X LLC*, 2025 WL
15 2597537, at *1 (N.D. Cal. Aug. 6, 2025) (finding "good cause" to seal declaration containing
16 "information concerning [Impossible Food's] internal IT systems, document retention policies,
17 and depreciation[sic] processes, disclosure of which would reveal confidential and sensitive
18 information"); *In re Google RTB Consumer Priv. Litig.*, 2023 WL 12088677, at *1 (N.D. Cal. June
19 8, 2023) (granting Google's motion to seal because submissions contain "confidential and
20 proprietary information regarding Google's ... data systems, and technical details of sensitive data
21 logs and systems" that "Google argues that public disclosure of this information may give Google's
22 competitors an unfair advantage, may present a cybersecurity risk, or may reveal Google's internal
23 strategies, system designs, and business practices and cause it competitive harm"); *Grace v. Apple,*
24 *Inc.*, 2018 WL 11319050, at *2 (N.D. Cal. Aug. 17, 2018) (sealing documents that contain
25 "propriety[sic] technical information" because "disclosure would cause Apple competitive harm"
26 and documents that "include technical information concerning Apple's databases"). Further,
27 Netflix requests to seal only portions that disclose truly sensitive information.

In addition, the security limitations described by Mr. Bukoski in his declaration and in Netflix's Opposition could be used by bad actors to access Netflix's systems, including by Netflix's proprietary trade secrets and the sensitive personal information of Netflix's users. Sealing Decl. ¶ 6. Courts frequently find that protecting user or customer data supports sealing a document. *See, e.g., Epic Games, Inc. v. Apple Inc.*, 2021 WL 1925460, at *3 (N.D. Cal. Apr. 30, 2021) (ordering the sealing of such "sensitive information" as "user data"); *In re Google RTB Consumer Priv. Litig.*, 2023 WL 12088677, at *1 (N.D. Cal. June 8, 2023) (sealing documents disclosure of which "may present a cybersecurity risk").

Accordingly, Netflix requests that the Court allow sealing of portions of Netflix's Opposition and the Declaration of Ed Bukoski In Support of Netflix's Opposition as identified below.

Document	Portion to Seal
Non-Party Netflix, Inc.'s Opposition to Plaintiff's Motion to Compel	Highlighted portions on page 8.
Declaration of Ed Bukoski In Support of Non-Party Netflix, Inc.'s Opposition to Plaintiff's Motion to Compel	¶¶ 3-8.

Dated: September 19, 2025

Respectfully submitted,

/s/ Taylor Gooch

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2025, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System.

/s/ Taylor Gooch

Joseph Taylor Gooch